IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6183 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

TENSILE STEELS LTD

Versus

GUJARAT ENGINEERING & GENERAL KAMDAR UNION

Appearance:

MR RN SHAH for Petitioner

NOTICE SERVED for Respondent No. 1

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 16/03/2001

ORAL JUDGEMENT

#. The present petition has been filed by the petitioner-M/s Tensile Steels Ltd. challenging the order passed by the Industrial Tribunal, Vadodara in References IT No.751/81 - new No.238/81 and IT No.530/82 - new

No.323/84. Demand of the union was regarding the payment of salary in lieu of lay-off dues in favour of the employees. By giving very cogent reasons, both the references were allowed by the Industrial Tribunal, Vadodara.

#. Mr.Shah for the petitioner - company states that the company is before the BIFR. He also states that, at the time of admitting the petition, there was no interim relief in favour of the petitioner - company.

#. It has also been observed in the award by the Industrial Tribunal that the company has accepted the option in lieu of lay-off. On that basis, ultimately, the order of payment of wages for a period between 1.1.1981 to 24.2.1981 was granted and the concerned workmen who were subjected to the lay-off were to be paid salary for the said period.

#. Considering the facts and circumstances of the case as well as reasonings given by the Industrial Tribunal, it cannot be said that the Industrial Tribunal has committed any error of law or jurisdiction while allowing both the references. Therefore, I do not find any substance in the petition and the same is dismissed. Rule is discharged with no order as to costs.

(P.B.Majmudar,J)
(pathan)